

REMARKS

The present response cancels claims 2, 3, and 5 without prejudice or disclaimer as to the subject matter recited therein. In addition, claims 1, 10, 17, 18, 20, 22, 23, and 29 have been amended. Claims 1, 4, and 6-30 remain pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Section 112 Rejection

Claims 2 and 3 were rejected under 35 U.S.C. § 112, second paragraph. In order to expedite prosecution, claims 2 and 3 have been canceled rendering rejection thereto moot. Accordingly, Applicant respectfully requests removal of this rejection.

Section 102 Rejection

Claims 1-17 and 20-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,768,385 to Simon (hereinafter "Simon"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), MPEP § 2131. The cited art does not disclose all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below.

The cited art does not teach a system, method, or carrier medium for maintaining the identities of the host and client confidential from each other, nor does the cited art teach or suggest making the identities of the host and client known only to the financial resolution center. Amended independent claims 1, 22, and 29 each recite either maintaining the identities of the host and client confidential from each other, or making the identities of the host and client known only to the financial resolution center. The network client and network host remain unknown to each other. As set forth in the specification,

Although the network server may know the identity of the host and client, the network server does not disclose this information. The network client and network host remain unknown to each other. In an embodiment, the network client, network host, and

network server may all remain unknown to each other. (Specification -- pg. 17, lines 10-14.)

The specification also states that,

The FRC, in turn, collects and dispenses the actual amounts due each entity, further ensuring the anonymity and the non-repudiability of the process. That is, the payee does not know the identity of the payer, nor does the payer know the identity of the payee. (Specification -- pg. 19, lines 15-18.)

In addition, the specification states that "[a]lthough the identities of each network member are known to the FRC, the FRC does not disclose this information." (Specification -- pg. 20, line 29 - pg. 21, line 1.) Furthermore, the specification states that "[t]he desired method would maintain security and anonymity for all involved while providing non-repudiable financial accounting and account resolution." (Specification -- pg. 7, lines 20-21.)

Before explaining the distinctions between the present independent claims and Simon, it appears that a brief description of the present specification is needed to help demarcate that which is claimed from Simon. As set forth in the present specification, computing resources are very expensive to "acquire and maintain." (Specification -- pg. 6, lines 24-28). Thus, it would be desirable to make available intensive data processing and computing resource allocation to users who "on their own, would never be able to buy, maintain, or staff the data centers necessary to perform intensive data processing." (Specification -- pg. 7, lines 8-11).

The process by which money exchanges hands takes place primarily through a financial clearinghouse, such as a financial resolution center (FRC) (Specification -- Fig. 1). In order for the network client to pay the network host provider for executing the client's program, the network client 12 will issue a source identification data packet that will describe a task for which a process execution upon a network host is requested by that client (Specification -- Figs. 1-2). However, upon receiving the source identification data packet, the network client 12 only knows the identity of the network server 14. The network server 14 via the FRC will negotiate independent of client 12 with various network hosts to solicit bids from those network hosts 16 (Specification -- pg. 17, lines 23 - pg. 18, line 1; Fig. 1).

Once a network server 14 accepts a bid from a particular host, host 16 can then execute the program or task that was originally sent from the client (Specification -- pg. 18, lines 4-11). However, throughout the process, the network client does not know the identity of the network host or vice-versa.

Only the financial resolution center will know the identity of the client and host. All client 12 does is forward the source identification data packet describing a task which it wishes to have some anonymous host perform. The FRC will then provide a task identity to the client to uniquely identify that requested task before the client can present a payload 30 from the network client to the network server. Thus, the network server is used to forward the task or specification from the client, and the network server receives bid proposals and executes outcomes from the host.

The FRC operates as an intermediary on financial transactions, where money is paid from the client to the host. However, the client does not know the identity of the host that has performed services for that client. Instead, the network server has a transmission medium 26 extending between itself and FRC 22 (Specification -- Fig. 1). Network server 14 thereby instructs the FRC to submit, for example, a request for payment from the network server to the network client and, thereafter, FRC 22 forwards electronic funds received from the client either directly to host 16 or to host 16 via network server 14 (Specification -- pg. 18, lines 13 - pg. 21, line 20). To impart integrity into the overall system, it is important that the client not know the identity of the host which performs the processing services for the client, and the host not know the identity of the client which requested those services. It is also important that the FRC provide anonymous payments from the network server to the network host without the host knowing that the payment was derived from a network client (*See, e.g.* Specification -- pg. 8, lines 17-25). Further details of both the processing request, bid procedure, and processing transaction, as well as the financial exchange resulting from the processing transaction are set forth throughout the present specification.

Contrary to the claimed anonymity between the network client and the network host, Simon specifically requires that customer 10 know the identity of vendor 20 and vice-versa (Simon -- Figs. 1-7). A closer reading of Simon will make clear that the customer 10 (spender/payer) must communicate with vendor 20 (payee) (Simon -- col. 4, lines 55-56; col. 7, lines 29-32). In order to exchange money from a customer 10 to a vendor 20 via bank 30, a pre-image x_1 must be sent from the customer to vendor 20 (Simon -- col. 7, lines 30-32). The pre-image x_1 is simply a random number generated by a customer associated with a particular transaction for which that customer must pay (Simon -- col. 5, lines 59-61). Customer 10 will keep the pre-image x_1 secret until payment takes place (Simon -- col. 5, lines 64-65). Customer 10 then supplies the customer's bank 30 the pre-image x_1 , and another image of a function $f(x_2)$ (Simon -- col. 6, lines 58-60). The function of the pre-image is an "unblinded" form of the image, where all third parties can view that function (Simon -- col. 3, lines 6-8). As the pre-image is forwarded to the

bank, customer 10 also forwards the pre-image to the vendor receiving party (Simon – col. 7, lines 30-32, emphasis added).

Armed with the pre-image, vendor 20 will then send the pre-image along with the function $f(x_i)$ to the customer's bank 30, requesting the bank to release or credit vendor 20 with payment (Simon -- compare Figs. 1 and 4). The pre-image x_i thereby suffices as a randomly generated key, and the only subscribers who know that key are customer 10, bank 30, and vendor 20. Importantly, according to the teachings of Simon, the identity of a vendor must be known to the customer since it would be impossible for the customer to forward the pre-image x_i to the vendor without knowing the vendor's identity! If the customer did not know the identity of the vendor in Simon, then the pre-image key could not be exchanged and no funds could be transferred. Thus, if a client is anonymous to a host and vice versa as claimed, then exchange of payment in Simon would be impossible. Simon begins and ends with the exchange of the private key, known as the pre-image; absent the exchange between a client and host, funds could not be transferred as taught by Simon.

For at least the reasons set forth above, Applicant asserts that independent claims 1, 22, and 29, as well as claims dependent therefrom, are not anticipated by Simon. Accordingly, Applicant respectfully requests removal of this rejection.

Section 103 Rejection

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Simon in view of U.S. Patent Application Publication No. 2004/0210513 to Harford et al. (hereinafter "Harford"). Like Simon, Harford does not teach or suggest maintaining confidentiality between the host and client, or making the identities of the host and client known only to a financial resolution center.

For at least the reasons set forth above, Applicant asserts that independent claims 1, 22, and 29, as well as claims dependent therefrom, are patentably distinct over Simon or a combination of Simon and Harford. Accordingly, Applicant respectfully requests removal of this rejection.

In addition, several of the dependent claims are believed to be separately patentable. For example, neither Simon nor Harford make any mention of a source identification data packet, or such a packet that includes an identification data set and a request data set, as in present claim 6. Moreover, the

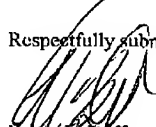
cited references do not suggest that a hypothetical identification data set can include a client identification data set and a requester identification data set, as in present claim 7. In addition, the cited art makes no mention of a request data set or a request data set that comprises a credit request data set and a resource request data set, as in claim 8. Still further, the cited references make no mention of a financial charging authorization identity that may include a credit limit data set and a client credit data set, as in claim 12. These and numerous other dependent claims are neither taught nor suggested in the cited references.

CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed December 8, 2004. In view of the remarks traversing the rejections, Applicants assert that pending claims 1, 4, and 6-30 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447.

Respectfully submitted,


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